

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
GEINLY DIAZ-DIAZ,  
  
Defendant.

CASE NO. CR19-0187-JCC  
  
ORDER

This Court, having thoroughly considered the unopposed motion of the Government for a continuance of the trial date (Dkt. No. 96) and the facts set forth therein, the relevant record, the joint position of the parties at the status conference on January 27, 2021, and General Orders 01-20, 02-20, 03-20, 04-20, 07-20, 08-20, 13-20, 15-20, and 18-20 of the United States District Court for the Western District of Washington, addressing measures to reduce the spread and health risks from COVID-19, which are incorporated herein by reference, hereby FINDS as follows:

1. In light of the recommendations made by the Centers for Disease Control and Prevention (CDC) and Public Health for Seattle and King County regarding social distancing measures required to stop the spread of this disease, as well as the lack of the type of personal protective equipment necessary to ensure the health and safety of all participants, it is not possible at this time to proceed with an in-person jury trial

1 now or in the near future. *See* 18 U.S.C. § 3161(h)(7)(B)(i). Indeed, General Order  
2 18-20 ordered that no in-person trials occur prior to March 31, 2021, based on the  
3 specific factual findings in that order and the current state of the COVID-19  
4 pandemic. The rates of infection, hospitalization, and death associated with the  
5 COVID-19 pandemic are currently as high or higher in many parts of the country than  
6 they have been since the start of the pandemic.

- 7 2. Further, because of the recommendations that the many individuals at higher risk of  
8 contracting this disease—including individuals with underlying health conditions,  
9 individuals age 60 and older, and individuals who are pregnant—avoid large groups  
10 of people, and because vaccination of those groups is not complete, at this time, it  
11 would be difficult, if not impossible, to get a jury pool that would represent a fair  
12 cross section of the community. *See* 18 U.S.C. § 3161(h)(7)(B)(i). Based on the  
13 recommendations, it would also be medically inadvisable to do so.
- 14 3. The parties have been working toward a resolution of this case, but have been unable  
15 to achieve it due, in part, to logistical difficulties associated with Mr. Diaz-Diaz's  
16 conditions of confinement at the Federal Detention Center-SeaTac. The parties have  
17 therefore agreed that a trial date in October will provide them the reasonable time  
18 necessary to effectively prepare this case, taking into consideration the exercise of  
19 due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).
- 20 4. As a result, the failure to grant a continuance of the trial date in this case would likely  
21 result in a miscarriage of justice. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the ends of  
22 justice served by continuing the trial in this case outweighs the best interest of the  
23 public and the defendant to a speedy trial.

24 IT IS THEREFORE ORDERED that trial be set for October 18, 2021 at 9:00 am, and  
25 that the pretrial motions deadline be reset to September 13, 2021.

26 IT IS FURTHER ORDERED that the time from the date of the entry of this order

1 through October 18, 2021 shall be excludable time pursuant to 18 U.S.C. § 3161(h)(7)(A), (B)(i),  
2 and (B)(iv).

3 DATED this 29th day of January 2021.

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7 John C. Coughenour  
8 UNITED STATES DISTRICT JUDGE  
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